

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 235 of 1997

with

SPECIAL CIVIL APPLICATION No 236 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
-

SCA NO.235/97

SHREE RAMJI MANDIR SANSTHAN

Versus

CHARITY COMMISSIONER

SCA NO.236/97

SHRI RAMESHWAR MAHADEV TRUST

versus

THE CHARITY COMMISSIONER

Appearance:

MR BP GUPTA for Petitioner

MR M.R. ANAND, SR.GOV'T. COUNSEL WITH T.S.SOMPURA, AGP for
Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 16/01/97

COMMON ORAL JUDGEMENT

Rule. Mr.M.R.Anand, Learned Sr.Govt.Counsel with Mr.T.S.Sompura, learned Govt. Counsel waive the service of Rule on behalf of the respondent.

The present orders shall govern the disposal of these two petitions.

In Special Civil Application No. 235 of 1997, the petitioner happens to be Shree Ramji Mandir Sansthan, a Public Trust, having Registration No.A/260/Mehsana. The grievance of the petitioner is that a resolution has been adopted to sell and/or dispose of the property or the asset of the Trust, namely, a piece of agricultural land in favour of one Alpesh M. Patel, for the intended consideration of Rs.1.50 lakhs per acre, but that the application submitted by the petitioner is not being decided by the respondent-Charity Commissioner, Gujarat, at Ahmedabad.

Special Civil Application No. 236 of 1997 has been presented by Shri Rameshwar Mahadev Trust, a Public Trust, having Registration No. A/268/Mehsana. The grievance of the petitioner is that, they wanted to sell some agricultural land to one Shri Alpesh M. Patel for the intended consideration of Rs.1.50 lakhs per acre, but that the application presented by the petitioner Trust for obtaining the permission is not being heard and decided by the respondent.

Upon issuance of the notice in these two matters, Mr.M.R.Anand, Sr. Govt. Counsel with Mr.T.S. Sompura, Govt. Counsel appear on behalf of the respondent. The learned Counsel for the petitioners urges that, all what the petitioner is asking for is the early hearing and expeditious disposal of the applications submitted by the petitioners for the permission to effect and finalise the sale. Upon hearing the learned Counsels for the parties, it appears that the present petitions can be disposed of, by saying that, the respondent - learned Charity Commissioner, Gujarat State, at Ahmedabad, shall decide the above said two proceedings on or before 31st January 1997. Even if the proceedings are pending before the learned Joint Charity Commissioner, the above said shall be the directions for the disposal of the matters.

Nothing has been said before me in respect of the merits of the matter and, therefore, I have no opinion of

my own to express on that aspect. Rule is made absolute accordingly. Direct service is permitted.
